REMARKS

Claims 3, 4 and 92 are pending in the above-identified application. By this Amendment applicants have canceled claims 3, 4 and 92 and added new claims 93 and 94. New claim 93 is supported by the application as originally filed, for example at page 8, lines 3-7; page 12, lines 13-14; Figure 1; and Figure 3, *inter alia*. New claim 94 is supported by the application as originally filed, for example at page 8, lines 3-7; page 12, lines 13-14; Figure 1; and Figure 3, *inter alia*. Applicants maintain that the amendments to the claims raise no issue of new matter and therefore request that the Amendment be entered into the application. After entry of this Amendment claims 93 and 94 will be pending.

In addition, applicants have corrected the Sequence Listing. Applicants inadvertently omitted the carboxy-terminal residue from SEQ ID NO:1 (Figure 1) in the Sequence Listing filed November 25, 1997 with the United States Patent and Trademark Office in connection with the above-identified application. Accordingly, applicants attach hereto a paper copy sequence Listing, a Computer Readable Form Sequence Listing and a Statement in Accordance with 1.821(f) as **Exhibit B**. Applicants maintain that the corrected Sequence Listing raises no issue of new matter.

Rejections Under 35 U.S.C. §112, First Paragraph

The Examiner stated that rejection under 35 U.S.C. §112, first paragraph of claims 3, 4, 92, pertaining to lack of a clear written description of an amino-terminal at amino acid 385, remains for reasons already of record in paper No. 24.

The Examiner stated that applicants assert that page 8, lines 3-5 of the specification disclose a portion of SEQ ID NO:1, which portion has as its amino-terminal boundary any one of amino acid residues from 324 to 415 of SEQ ID NO:1. The Examiner stated that applicants' arguments set forth in paper No.25 have been considered but are not deemed to be persuasive for the following reasons: page 8, lines 3-5 of the specification does not disclose a portion of SEQ ID NO:1, which portion has as its amino-terminal boundary any one of amino acid residues from 324 to 415 of SEQ ID NO:1. The Examiner stated that page 8, lines 3-5 of the specification only discloses a truncated CRAF1 by from about 323 to about 414 amino acid residues at the amino terminus, or a variant thereof capable of inhibiting CD-40 mediated cell activation.

In response, without conceding the correctness of the Examiner's position, applicants have canceled claims 3, 4, and 92 and added new claims 93 and 94. As noted above, new claims 93 and 94 are fully supported by the specification as originally filed.

Rejection Under 35 U.S.C. §102(b)

The Examiner stated that the rejection under 35 U.S.C. §102(b) of claims 3, 4, 92, pertaining to anticipation by Sato et al., remains for reasons already of record in paper No. 24.

The Examiner stated that applicants assert that the protein disclosed by Sato et al. does not have an amino-terminus between residues 324 and 385 of SEQ ID NO:1, and that the amino-terminus of the Sato protein occurs at residue 387. The Examiner stated that applicants' arguments set forth in paper No. 25 have been

considered but are not deemed to be persuasive for the following reasons: The Examiner stated that the claims do not necessarily read on a protein having an amino-terminus between residues 324 and 385 of SEQ ID NO: 1, and, thus, applicants argue a limitation not in the claims.

In response, without conceding the correctness of the Examiner's position, applicants have canceled claims 3, 4, and 92, and added new claims 93 and 94. Applicants note that claim 93 is directed to a specific peptide having a sequence defined in the claim. This peptide differs from both of the human-derived peptides disclosed by Sato et al., one of 153 amino acids (full length CRAF-1) and the other of 181 amino acids (a fragment of CRAF-1), in that the claimed peptide is shorter in length (only 153 residues). Applicants assert, therefore, that claim 93 is not anticipated by Sato et al.

In addition, applicants' claim 94 recites a specific peptide having a sequence defined in the claim. This sequence is included within SEQ ID NO:1. Applicants note that SEQ ID NO:1 describes a peptide derived from a mouse. In contrast, Sato et al. disclose two human-derived peptides, one of 543 amino acids (full length CRAF-1) and the other of 181 amino acids (a fragment of CRAF-1). Applicants note that the specific peptides described in claim 94 contain residue differences with both the fragment and the full-length human sequences disclosed by Sato et al. For example, there is a threonine residue at position 390 in the claimed peptide, whereas both the Sato peptides have a methionine at their corresponding position (residue 366 by Sato's numbering). For example, there is a further difference at residue 373, with the claimed peptide

having an alanine at that position and both the Sato fragments having a valine (residue 349 by Sato's numbering). Thus, Sato et al. does not anticipate applicant's claimed invention.

In summary, in light of the remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the various grounds of rejection set forth in the February 12, 2002 Final Office Action.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the $55.00 fee for a one-month extension of time is deemed necessary in connection with the filing of this Amendment. If any such fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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Attorney for Applicants
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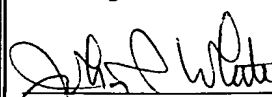
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Honorable Commissioner for Patents and Trademarks, Washington, D.C. 20231, BOX AF



6/12/02

John P. White
Reg. No. 28,678

Date

OIPE JUN 17 2002 PATENT & TRADEMARK OFFICE

COPY OF PAPERS
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SEQUENCE LISTING

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Ye, Zheng-Sheng
Lederman, Seth
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